

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

GEORGE SCHMIDT, JR., et al,

Civil No. 14-3000 (JRT/JSM)

Plaintiffs,

v.

DIRECTV, LLC, et al,

**ORDER ON REPORT
AND RECOMMENDATION**

Defendants.

Crystal R. Cook, George Hanson, Lauren Luhrs, Ryan O'Dell, **STUEVE SIEGEL HANSON LLP**, 460 Nichols Road, Suite 200, Kansas City, MO 64112, Paul J. Lukas, **NICHOLS KASTER, PLLP**, 80 South Eighth Street, Suite 4600, Minneapolis, MN 55402-2242, for plaintiffs,

Aaron Mills Scott, Colin Dougherty, Elizabeth Patton, Joseph Winandy, Thomas Mastroianni, **FOX ROTHSCHILD LLP**, 222 South Ninth Street, Suite 2000, Minneapolis, MN 55402, for defendants.

The above matter came before the undersigned on the Report and Recommendation of Magistrate Judge Janie S. Mayeron dated January 22, 2016. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Defendant DIRECTV, LLC's Motion to Dismiss Plaintiffs' Second

Amended Complaint [Docket No. 101] and DirectSat USA, LLC's Motion to Dismiss Plaintiffs' Second Amended Complaint [Docket No. 102] is **GRANTED** in part and **DENIED** in part as follows:

(a). Defendants' motion as to Count I (plaintiffs' claims under the Fair Labor Standards Act) is **DENIED**.

(b). Defendants' motion as to Count II (plaintiffs' claims arising under Minn. Stat. § 181.722) is **GRANTED** and these claims are dismissed with prejudice.

2. Plaintiffs' Conditional Motion for Time Within Which to Seek Leave to Amend Should Court Grant Defendants' Motions to Dismiss Plaintiffs' Second Amended Complaint [Docket No. 112] is **DENIED AS MOOT**.

DATED: February 9, 2016
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court